

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RAYMOND KEITH THOMAS

PLAINTIFF

v.

CIVIL ACTION NO. 5:22-cv-81-DCB-ASH

J. BURKE, Medical Doctor

DEFENDANT

ORDER ADOPTING THE REPORT AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge Harris's Report and Recommendation ("Report") [ECF No. 56], concerning Plaintiff Raymond Keith Thomas's Motion to Dismiss this civil action without prejudice. [ECF No. 53]. There are currently two motions pending in this case: Plaintiff's motion for summary judgment [ECF No. 45] and Plaintiff's motion to dismiss. [ECF No. 53]. Defendant J. Burke filed his Response to the motion to dismiss stating that he "does not oppose the motion." [ECF No. 55]. The Report was entered on January 14, 2025, and objections to it were due by January 28, 2025. No party has filed an objection, and the time to do so has elapsed.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Where there are no objections, the Court

applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the Report. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

Accordingly, the Court agrees with Judge Harris's recommendation. The Report [ECF No. 56] is hereby ADOPTED and this action is DISMISSED WITHOUT PREJUDICE.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this 5th day of February, 2025.

/s/ David Bramlette
DAVID C. BRAMLETTE III
UNITED STATES DISTRICT JUDGE